

Aurora, Nebraska
April 14, 2009

A meeting of the Mayor and Council of the City of Aurora, Nebraska, was convened in open and public session at 7:30 p.m. on April 14, 2009 at the City Hall. Present were Councilors: Wayne Roblee, Bruce Ramsour, Dottie Anderson, Chris Helzer, Dick Phillips and Paul Shaneyfelt. Mayor Marlin Seeman conducted the meeting. City Officials present were City Administrator Mike Bair, City Attorney Ross Luzum, Police Chief Godfrey Brokenrope, Water/Sewer Commissioner Rick Melcher and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was given by publication in the Aurora News Register on April 8, 2009. Notice of meeting was simultaneously given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to these minutes. Availability of the agenda of this meeting was communicated in the advance notice and in the notice to the Mayor and Council. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Mayor Seeman stated "AS PERSCRIBED BY LAW A COPY OF THE NEBRASKA OPEN MEETINGS ACT IS POSTED BY THE DOUBLE DOORS IN THE COUNCIL CHAMBERS."

MINUTES:

Councilor Phillips moved to approve the minutes from the March 24, 2009 meeting. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Roblee. Nay: None. The motion carried.

PETITIONS, COMPLAINTS, COMMUNICATIONS:

REPORTS BY OFFICERS, BOARD, COMMITTEES:

Clerk/Treasurer Mikkelsen presented the Expenditure and Clerk/Treasurer reports for the month ending March 31, 2009. Councilor Ramsour moved to approve said reports. Councilor Helzer seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Roblee and Ramsour. Nay: None. The motion carried.

Claims Committee Chairperson Helzer reported the claims presented by the Clerk were in order and moved that said claims be allowed and checks drawn on the various funds for payment of same be approved. Councilor Roblee seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Roblee, Ramsour and Anderson. Nay: None. The motion carried. A listing of said claims is attached to these minutes.

Mayor Seeman began the hearing to hear testimony and receive evidence relative to the structure located at 1127 and 1129 12th Street, and make a written finding of fact as to whether it is a dangerous building. Jason Suelter, City Building Inspector gave a report on the condition of the building. Discussion was held and various questions were answered regarding the building and the procedures that need to be followed.

Councilor Shaneyfelt moved to approve Resolution 09-14 declaring the structure located at 1127 12th Street to be unsafe. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 09-14

WHEREAS, on April 14, 2009, the Mayor and City Council held a hearing and heard testimony and received evidence concerning whether or not the structure located at 1127 12th St., Aurora, Hamilton County, Nebraska, constitutes a "Dangerous Building" as defined by Chapter 9 Article 4 Section 9-401 of the Municipal Code of the City of Aurora, Nebraska; and

WHEREAS, based on said testimony and evidence have made a finding of fact that said building is a dangerous building;

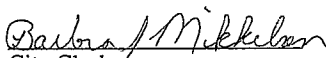
NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL that the structure located at 1127 12th St., Aurora, Hamilton County, Nebraska, is hereby declared to be unsafe because of one or more violations of the Municipal Code of the City of Aurora, Nebraska, and the owner is hereby commanded to repair, rehabilitate, or demolish said building. In the event the owner fails to comply the City will take any of the following courses of action or any combination thereof:

- 1) The City shall proceed with the aforementioned work and levy the cost as a special assessment against the lot or real estate upon which the building is located, such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments;
- 2) The City shall proceed with the aforementioned work and collect the cost from the owner of the building and enforce the collection by civil action in any court of competent jurisdiction; and/or
- 3) The City shall file a criminal petition against the owner in any court of competent jurisdiction for non-compliance, which on conviction shall be deemed a misdemeanor and result in a fine of not more than five hundred Dollars (\$500.00), a new violation being committed every twenty-four (24) hours of such failure to comply, included with an order of abatement as a part of the judgment in the case.

Passed and adopted this 14th day of April, 2009.


Mayor

ATTEST:


City Clerk



Councilor Phillips moved to approve Resolution 09-15 declaring the structure located at 1129 12th Street to be unsafe. Councilor Anderson seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 09-15

WHEREAS, on April 14, 2009, the Mayor and City Council held a hearing and heard testimony and received evidence concerning whether or not the structure located at 1129 12th St., Aurora, Hamilton County, Nebraska, constitutes a "Dangerous Building" as defined by Chapter 9 Article 4 Section 9-401 of the Municipal Code of the City of Aurora, Nebraska; and

WHEREAS, based on said testimony and evidence have made a finding of fact that said building is a dangerous building;

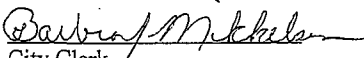
NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL that the structure located at 1129 12th St., Aurora, Hamilton County, Nebraska, is hereby declared to be unsafe because of one or more violations of the Municipal Code of the City of Aurora, Nebraska, and the owner is hereby commanded to repair, rehabilitate, or demolish said building. In the event the owner fails to comply the City will take any of the following courses of action or any combination thereof:

- 4) The City shall proceed with the aforementioned work and levy the cost as a special assessment against the lot or real estate upon which the building is located, such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments;
- 5) The City shall proceed with the aforementioned work and collect the cost from the owner of the building and enforce the collection by civil action in any court of competent jurisdiction; and/or
- 6) The City shall file a criminal petition against the owner in any court of competent jurisdiction for non-compliance, which on conviction shall be deemed a misdemeanor and result in a fine of not more than five hundred Dollars (\$500.00), a new violation being committed every twenty-four (24) hours of such failure to comply, included with an order of abatement as a part of the judgment in the case.

Passed and adopted this 14th day of April, 2009.

Mayor

ATTEST:


City Clerk



7:35 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to hear public comments regarding amending Ordinance No. 708 and the Land Use Plan to reflect changes in zoning for the property located at, Block 1, Original Town, Village Of Hamilton an Addition to the City of Aurora, Hamilton County, Nebraska.

Mayor Seeman asked if there was anyone present who wished to speak in favor of or in opposition to the recommendation. Zoning Administrator Melcher explained the zoning change request. He also stated the Planning Commission was recommending approval of the change. There being no one else present that wished to speak in favor of or in opposition to the recommendation the Mayor declared the public hearing closed.

City Attorney Luzum read Ordinance No. 931 by its title: AN ORDINANCE TO AMEND ORDINANCE 708, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, ARTICLE FOUR (4), ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS, SECTION 403, THE OFFICIAL ZONING MAP, TO PROVIDE THAT THE PROPERTY LEGALLY DESCRIBED AS: A REPLAT OF BLOCK 1, ORIGINAL TOWN, VILLAGE OF HAMILTON AN ADDITION TO THE CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, BE CHANGED FROM R-1, RESIDENTIAL DISTRICT DESIGNATION TO R-2, RESIDENTIAL DISTRICT DESIGNATION AND TO PROVIDE THAT SAID CHANGE SHALL BE ENTERED UPON ZONING MAP AS PROVIDED IN ARTICLE 4, SECTION 404.10, OFFICIAL ZONING MAP CHANGES.

Councilor Ramsour moved to bring Ordinance No. 931 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Roblee seconded the motion. Voting Aye: Roblee, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion having been concurred in by three fourths majority of all members elected to the Council passed and said statutory three reading rule was suspended.

Councilor Phillips moved for final adoption of Ordinance No. 931. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 931 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Roblee. Nay: None.

The passage and adoption of said Ordinance having been concurred in by a majority of all members elected to the Council was by the Council President declared passed and adopted and the Council President in the presence of the Council signed and approved said Ordinance and the Clerk attested the passage and approval of same and affixed her signature thereto. Said Ordinance shall be preserved and kept in a separate and distinct volume known as the Ordinance of the City of Aurora, Nebraska and same be incorporated herein by reference.

City Attorney Luzum read Ordinance No. 932 by its title: AN ORDINANCE TO AMEND ORDINANCE 707-1, THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF AURORA, NEBRASKA, LAND USE PLAN, ILLUSTRATION NO. 7, TO PROVIDE THAT THE LAND USE DESIGNATION OF A REPLAT OF BLOCK 1, ORIGINAL TOWN, VILLAGE OF HAMILTON AN ADDITION TO THE CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, BE CHANGED TO ZONING DISTRICT DESIGNATION RESIDENTIAL ZONING DISTRICT (R-2).

Councilor Phillips moved to bring Ordinance No. 932 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Shaneyfelt seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Roblee and Ramsour. Nay: None. The motion having been concurred in by three fourths majority of all members elected to the Council passed and said statutory three reading rule was suspended.

Councilor Ramsour moved for final adoption of Ordinance No. 932. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 932 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Roblee, Ramsour and Anderson. Nay: None.

The passage and adoption of said Ordinance having been concurred in by a majority of all members elected to the Council was by the Council President declared passed and adopted and the Council President in the presence of the Council signed and approved said Ordinance and the Clerk attested the passage and approval of same and affixed her signature thereto. Said Ordinance shall be preserved and kept in a separate and distinct volume known as the Ordinance of the City of Aurora, Nebraska and same be incorporated herein by reference.

Councilor Roblee moved to approve Resolution 09-13 approving the application of the Hamilton County Public Transportation to request Public Transportation Assistance. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. The motion carried and the following resolution was passed and adopted.

RESOLUTION 09-13

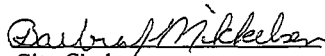
WHEREAS, there are Federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Act Funds, and

WHEREAS, Hamilton County Public Transportation desires to apply for said funds to be used to provide public transportation in Hamilton County.

NOW THEREFORE BE IT RESOLVED that the City of Aurora hereby instructs the Hamilton County Public Transportation to apply for the above mentioned funds. Said funds are to be used for Fiscal Year 2010.

Passed and adopted this 14th day of April, 2009.

ATTEST:


City Clerk



Steve Parr of JEO Consulting presented Change Order No. 3 for the Madison Avenue Project and recommended approval of same. The change order is in the amount of \$2,868.00. Councilor Ramsour moved to approve Change Order No. 2 for the Madison Avenue Project in the amount of \$2,868.00. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

Steve Parr of JEO Consulting reviewed the bids received for the Northridge Subdivision water line materials. Councilor Shaneyfelt stated the Public Works Committee had met and moved awarding the bid for the Northridge Subdivision water line materials to Municipal Supply, bid Alternate #1, in the amount of \$106,094.34. Councilor Phillips seconded the motion. Voting Aye: Roblee, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

Tyler Doane of JEO Consulting presented Change Order No. 3 for 2008 Sanitary Slip Lining Improvements by Midlands Contracting a decrease of \$39,615.00. He recommended approval of the change order. Councilor Ramsour moved to approve Change Order No. 3 for 2008 Sanitary Slip Lining Improvements by Midlands Contracting a decrease of \$39,615.00. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Roblee. Nay: None. The motion carried.

Tyler Doane of JEO Consulting presented Pay Application No.2 and Final for Midlands Contracting for 2008 Sanitary Slip Lining Improvements for \$66,682.00 and recommended payment of same. Councilor Phillips moved to approve Pay Application No.2 and Final for Midlands Contracting for 2008 Sanitary Slip Lining Improvements for \$66,682.00. Councilor Shaneyfelt seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Roblee and Ramsour. Nay: None. The motion carried.

Tyler Doane of JEO Consulting presented the "Recommendation of Acceptance" for the 2008 Sanitary Slip Lining Improvements. He stated the warranty period would start with the acceptance of the project. Councilor Ramsour moved to accept the "Recommendation of Acceptance" for the 2008 Sanitary Slip Lining Improvements. Councilor Helzer seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Roblee, Ramsour and Anderson. Nay: None. The motion carried.

Steve Parr of JEO Consulting reviewed Change Order No. 1 for the Quiet Zone Project-M.E. Collins contractor an increase of \$4,500.00. Councilor Roblee moved to approve Change Order No. 1 for the Quiet Zone Project-M.E. Collins contractor an increase of \$4,500.00. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Steve Parr of JEO Consulting presented Change Order No. 1 for Northridge Subdivision storm sewer pipe quantities, a decrease of \$21,671.00. Councilor Ramsour moved to approve Change Order No. 1 for Northridge Subdivision storm sewer pipe quantities, a decrease of \$21,671.00. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

Councilor Shaneyfelt moved to approve the request from Faith Community Church to close "J" Street North of Faith Community Church (between 13th and 12th Streets) for a concert and ice cream social, May 30, 2008, at 7:00p.m. Councilor Anderson seconded the motion. Voting Aye: Roblee, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

Councilor Ramsour moved to accept the resignation of Rod Rudebusch from the Aurora Airport Authority and to accept the Mayor's appointment of Ross Carstensen for the duration of the term. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Roblee. Nay: None. The motion carried.

MISCELLANEOUS:

ADJOURNMENT:

Having completed all items on the agenda, and there being no further business to conduct, Mayor Seeman declared the meeting adjourned at 8:16 p.m.

ATTEST:

Barbra J. Mickelson
City Clerk

Marlin Seeman
Mayor

